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ABSTRACT

Consumerism has become an important force in postsecondary education. This document points out the need of trustees to delineate an ethical relationship between the consumer of education and the institution. The document begins by suggesting proposals for state and federal regulation for consumer protection. Some suggestions are: (1) publication of attrition rates and reasons for attrition; (2) publication of federal loan default rates; (3) public disclosure of full reports by accreditation agencies; (4) publication of a prospectus about each institution; (5) establishment of a clearinghouse that would maintain comparable information about all institutions; (6) establishment of a second clearinghouse that would maintain information on complaints registered against an institution. Then the document considers the institution responsibility to: (1) examine its focus; (2) examine the access, process, and output from the point of view of the consumer as well as from the views of other constituencies, primarily through systematic consultation with students; (3) provision of ways that students can communicate with policy makers; (4) provide resources for identification of the kinds of information that would be most helpful in assessing program quality and; (5) develop data collection procedures that, in turn, could be used for program self-study and improvement. (Author/KE)

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THE REGENTS ELEVENTH ANNUAL TRUSTEE CONFERENCE
ON
THURSDAY, MARCH 13, 1975
NEW YORK HILTON HOTEL

AN ADDRESS BY:

JOAN S. STARK
CHAIRMAN
DEPARTMENT OF HIGHER/
POSTSECONDARY EDUCATION
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THE RESPONSIBILITY OF TRUSTEES IN RELATIONSHIP TO CONSUMER PROTECTION

There is currently a force -- perhaps a social movement -- which is sweeping through postsecondary education. The movement is called consumerism. You may have noticed articles in the local news media at least weekly which stress federal or state efforts to protect the consumer in postsecondary education. Letters from students appear daily in campus newspapers inquiring about the procedure for protesting a grade believed to have been given unfairly, and about the "due process" available for a student who thinks he has been misled upon admission to the institution or the victim of presumed administrative arbitrariness in one of a variety of areas from housing to class scheduling.

Perhaps the movement is due to the current buyer's market in postsecondary education and the students' recognition that they have the opportunity to be fussy about the service they receive. Perhaps the increasingly conservative students of the late seventies have taken the advice given to their predecessors that change can be most effectively brought about by "working within the system." The movement certainly owes some of its strength to the anxiety students are feeling about their employment opportunities after they leave school and the tension they and their parents feel about larger and larger tuition outlays in a time of inflation. And it may be aided and abetted by an increase in high pressure sales techniques of admissions personnel. Undoubtedly it is due, in part, to each of these causes and others.

Whatever the cause, the consumerism movement is snowballing both on the nation's level and within each of our institutions. It is no longer confined to institutional complaints but has reached directly into the classroom. A new faculty member at my institution reported recently that a student had inquired how she would be assured that she was getting her $300 worth out of a 3 credit hour course. The new teacher wondered if this type of inquiry was characteristic of Syracuse or if such questions were being asked everywhere. The answer is that such questions are indeed being asked at institutions everywhere.

It is difficult to say to what extent the increased number of consumer complaints is due to the publicity government activities have received in the press, and, in turn, to what extent governmental activity has been stimulated by student complaints. According to Virginia Knauer, Special Assistant to the President for Consumer Affairs, the volume of educational complaints received in one office at The United States Office of Education has doubled each year for the past three years.[1] Similar increases are reported by state education agencies. The complaints concern deceptive practices, violation of student rights, and deprivation of property because payment for services has not been rendered as contracted.

The complaints have been registered with government agencies for two primary reasons. First, people have learned to turn to bureaus of consumer affairs at the local, state and national level when they need help in such matters, and secondly, many students are receiving direct

government financial assistance through grants, loans and workstudy programs. When the citizen is using government money to purchase a major service such as education and feels he is not getting his money's worth, he may assume the government will be interested.

Indeed the government is interested. Much of the concern has been stimulated by abuses relating to provision of federal financial assistance for students attending proprietary or"profit-making"institutions. A student who receives a federally guaranteed loan to attend an institution may voluntarily drop out of the course or find that he is ill-prepared or ineligible to complete it successfully. The loan money has become tuition and is already in the proprietor's pocket sometimes with little or no refund available. In such a case the student often feels little obligation to repay money from which he has received no benefit and he defaults on his government loan. The government, and thus the taxpayer, ends up paying. [2]

Although both state and federal governments are very concerned, the authority for setting standards and granting eligibility to schools for enrolling students with financial assistance is so fragmented that no agency or institution has clear responsibility for protecting the consumer of educational services. At the federal level at least 12 agencies share in this responsibility. [3] Efforts are now underway to clarify this situation.

As a variety of government agencies which receive complaints wondered where to send the complainant for satisfaction and began to discuss possible methods of centralizing authority, they discovered that all the complaints did not arise from students attending proprietary institutions. Many of the abuses that looked quite unethical in the proprietary sector of postsecondary education had been tolerated for years in non-profit traditional collegiate institutions. As the Federal Trade Commission's proposed crackdown on proprietary schools reached the media, students in the traditional sector also began to take increased notice that this was indeed the case. As you probably know, public confidence in our educational institutions has decreased substantially in the last few years. Students and their parents no longer believe that the teacher is always right. In fact, a Harris poll has shown that only 40% of Americans have a great deal of confidence in colleges as opposed to 61% eight years ago.[4] Students and parents are more inclined to doubt the integrity of colleges than they once were.

Proprietary schools are often engaged in interstate commerce and thus are subject to regulation by the Federal Trade Commission. Traditional collegiate instruction has long been considered a state responsibility. It has become quite clear, however, that the vehicle for regulation of abuses in the non-profit sector does exist in the prospect of ineligibility for federal funding. For example, there are few, if any, institutions in the country which have not attempted to abide by affirmative

action and civil rights legislation under the threat of ineligibility for federal funds. It seems likely that the same threat will be used to protect the consumer.

A number of recommendations have now come forth from government groups which leave little question in my mind that regulation of abuses in the proprietary sector will be quickly followed by similar regulation of the non-profit sector - probably first the private institutions of higher education and then the public institutions. What's good for the goose is good for the gander particularly when much of the feed comes from the same bin. The Federal Interagency Commission on Education in its subcommittee report on Consumer Protection in Postsecondary Education makes the federal position quite clear:

> "The Federal Government, wherever it disburses funds, directly or indirectly to support educational institutions, programs and students, must assume responsibility as to how these funds affect the consumer of education as well as education and program objectives."[5]

In the spring of 1974, the Federal Interagency Committee, composed of representative of 29 federal agencies concerned with education, stimulated a national invitational conference on the subject of consumer protection. This was followed in November 1974 by a second such conference. At the first conference issues were identified and, at the second, proposals for action were initiated. At the two conferences held thus far it has been repeatedly stressed that the federal government has the responsibility to use its funds as incentives to ensure that the consumer is protected. A third meeting has been suggested to review progress.

In addition, the Fund for the Improvement of Postsecondary Education, a division of Health, Education and Welfare, has established a national project to assist institutions in determining better methods of giving information to students making a choice of postsecondary opportunities. On February 5, bill #2786 known as the "Postsecondary Education Consumer Protection Act of 1975" was introduced in the House of Representatives. A similar bill is anticipated in the Senate. Both measures would apply to all postsecondary institutions.

Advocates of state responsibility believe the states can and should retain jurisdiction over the activities of educational institutions. Federal officials seem to feel, however, that it is, at the very least, their responsibility to set up mechanisms to see that the states enforce the regulations and to use both positive and negative incentives to encourage them to do so. Even when it has been proposed that appropriate information be collected and audited by a state agency, it has also been proposed that the federal government establish standard definitions to ensure consistency among the states.

Regulatory efforts have been proposed in three distinct areas:

Access information - the type of information a student can obtain in making a choice of institution or program.

Process information - information concerning academic or classwork requirements, patterns of student interaction, student-faculty relationships, use of internal and external agencies for resolving disputes.

Outcome information - proposed outcomes of the institution, including the actual employment of the graduates of a program.

This then, is the status of the consumerism movement at the present time. Some interested governmental and non-governmental agencies are at work to develop a system of incentives for voluntary protection of the educational consumer. If voluntary efforts fail, more intense support will be gained for federal legislation.

Before proceeding to a detailed discussion of how this movement may affect our postsecondary institutions, I should like to make the basis for my interest in consumer protection in postsecondary education very clear. I do believe there is room for improvement in our communication with and accountability to the student. I see the consumer protection movement as a vehicle for positive institutional improvement. Many things we have long hoped to accomplish in our institutions can be achieved with relative rapidity when the impetus to achieve them is strong enough. But I do not insist that government should make the rules when there is substantial possibility that many facets of educational purpose and process will, as a consequence, move beyond institutional control.

In the past, institutions of higher learning have banded together in self-regulatory groups to tackle immense problems. One example is the formation of the regional accrediting agencies in the early 1900's to establish minimal standards of quality for granting degrees. About the same time a group of institutions also formed the College Entrance Examination Board to achieve some consistency in admissions standards.

Even though these voluntary groups may now be less than desirably responsive to the changing times, their formation is significant because they represented self-regulation by institutions which hoped to maintain autonomy and academic freedom.

During the last few decades the federal government has greatly expanded its public welfare role, including its role in the area of education. We no longer debate whether federal control of education will follow federal support. We now typically wait to react to whatever regulation, however uninformed, comes forth from Washington. The recent adoption of the Buckley amendment, or family rights and privacy law, is a case of a needed reform but one which could have been devised by the institutions themselves in a far more workable form. If it is assumed by governmental agencies that those responsible for education at the institutional level are unable or unwilling to take steps to protect the educational consumer, we will indeed be subject to federal and state regulation to the extent that little institutional autonomy will remain. I see chaos and ineffectiveness resulting with the student, the institution, and society as ultimate losers.

In her talk to the second national invitational conference on consumer protection, Virginia Trotter, Assistant Secretary for Education, said:

> "This conference marks an important and historic point in our progress toward making consumer protection in post-secondary education a reality. Just eight months ago, the first national conference on this topic was held in Denver. It was the first time representatives of the federal, and state governments, institutions and consumer groups, industry, students and the public met together to share common concerns and begin thinking about solutions." [7]

You will note that Mrs. Trotter grouped together institutions and consumer groups. I did not attend the first national conference to which she refers. In the official attendance listing 29 institutions of higher education were named. Judging from the attendance at the second national conference in which I did participate, I would guess that only a few of the attendees thus included were presidents or other top administrators actually representing their institutions. None to my knowledge were members of Boards of Trustees who presumably represent the public stake in higher education. Rather the institutional people were professors of economics, consumer education, marketing and other faculty concerned with higher education as a field of study, some of whom, like me, invited themselves for independent reasons. At the second conference there were, I believe, less than five presidents or deans from approximately 2900 traditional educational institutions throughout the country. Some representatives of major educational associations were quietly in attendance.

Were college presidents or board chairmen invited to this important and historic conference which made sweeping recommendations for national regulations and did they decline to attend? Answers to my inquiries indicate that they were not invited. This situation made the two days informative but also frightening for me. I am not yet convinced that we have reached the time when federal or state regulation is necessary without consultation with the persons at the institutional level who will finance and implement the measures. The conference proceedings continually refer to a tripartite responsibility - 1) federal, 2) state and 3) educational and

consumer agencies. Of the third group mentioned the consumer agencies were in attendance but the front-line educational contingent was sadly lacking.

Your guardianship of the public interest of postsecondary institutions, their resources and their great potential for shaping society make it important that you be aware of and consulted about an issue as broad as consumerism. It is to the credit of our Board of Regents and State Education Department personnel that they included this session on the agenda today because they felt you should be informed participants in this discussion.

I predict with some confidence that within a year or two you will be called upon to provide resources and backing to your chief executive in supplying more accurate information and better services to the customer. You may be asked to commit some resources to cooperate with similar institutions to work out solutions to these problems or alternatively, you may simply have to commit the resources in response to a federal statute you had no part in framing.

Since I see a movement which has implications for every facet of policy-making and operation of our institutions of higher learning and one which can, if we utilize its forces wisely, result in improvement in the education we provide, I will attempt to point out some common consumer complaints and to connect each with a positive mode of attack.

Many of the long lists of abuses which are reported to be perpetrated upon the student-consumer derive from the activities of diploma mills, degree frauds and other such bogus educational enterprises. I have no

intention of revieving these lists here. New York has long been much more successful than some other states in preserving an atmosphere where such activities do not flourish. My examples will be taken from areas in which the most well-intentioned institution can improve and will be restricted to the traditional activities which institutions such as yours and mine have performed for years. Many student complaints are not new in American education. From the colonial days there were student riots and revolts centering around complaints about the curriculum, discipline and dining hall food. In fact,

> "In 1763 a group of citizens hostile to the Yale (University) administration called upon the legislature to fulfill its parental responsibility by standing as a court of last appeal for Yale undergraduates who were displeased with the college administration and its concept of discipline. It is important to note that the legislature did not act in this manner - rather it strengthened the independence of Yale, even though they were supporting it financially to some extent." 8

The advent of universal access to postsecondary education and the establishment of broad permanent programs of federal and state financial aid have simply placed today's complaint more fully into the public arena with a somewhat different response.

Many of the current complaints about postsecondary institutions center on the recruitment and admission process. In New York State we now have a place for every student, rich or poor, bright or not so bright, career oriented or seeking to enrich the intellect. Unfortunately educators are not entirely successful in placing the pegs in the matching holes. This is true partly because we have given inadequate attention to the

needs of each individual student and partly because we have entered an era of competition for bodies with test scores of 98°F. We have been less than careful about promising a student that his needs can be filled at our institution. Instead of telling him of a more suitable program at a nearby institution we often enroll him anyway in hopes that his goals will change with exposure to our particular brand of education. And sometimes they do. We certainly need to be cautious of insisting that young people make irrevocable decisions too early. We need to be equally careful, however, that we help each student to understand the reasons why he is entering postsecondary education and to become aware of the full range of opportunities open to him. We must provide better information to the student and further, we must teach him how to use it.

It has been often said of late, that the increase in provision of financial aid directly to the student, from both federal and state resources, will cause the students to "vote with their feet." Some authorities believe that colleges which offer programs attractive to students will thus survive in an era of declining enrollment; those which are unattractive will fail. Unfortunately, when this proposition is examined closely in conjunction with the level of financial aid now appropriated and the need levels of families for eligibility, we find that this pedestrian vote will be exercised mainly by students from low income homes, many of whom are the first in their family to attend college, who have perhaps received the least attention from the high school guidance counselor and who lack sophistication in making institutional choices. On what basis will such purchasers make their decisions? What types of educational process

can we as institutions devise to improve their effectiveness as information seekers?

If we fail to devise means of presenting more helpful information about our institutions and whom they can best serve in order to assist the student in finding his proper niche, we may initially attract many students with hard sell advertising. But we will be increasingly plagued with drop-outs and dissatisfied customers, which, as any businessman knows, are the worst kind of public relations to cultivate.

It is well-known that students enter college with an unrealistic idea of what college is all about. This idealism was detected by my late colleague Dr. George Stern, among other researchers, and has been aptly termed the "Freshman Myth." [9] In a very short time the new students adjust their view of the institution to be more consistent with that held by the upperclassmen and faculty. (Strangely enough, administrators commonly believe the myth, too). The let down when the student discovers that college is not all he had hoped may be severe and may, in fact, account for some of the complaints. It would be impossible to completely destroy youthful anticipation, and yet it behooves us to stop helping students to delude themselves. The problem looks a bit different too when we realize that increasing numbers of postsecondary students are not 17-21 years old but are experienced consumers in the marketplace who are accustomed to sending a product back if it has flaws or does not fit correctly.

Current promotional materials do include student statements of what the institution is like. The statements are usually made by carefully

selected students -- I've never seen a college catalog which quotes a student critical of the institution or its policies. But an institution can gather data about its intellectual and social climate and make the actual profile available to prospective students. In so doing, the college is enabled to take note of its strong points and correct some weak areas which need improvement. The data can be a valuable tool for internal decision making.

We owe our students the same rigorous objectivity in examining our institution and reporting its dimensions that we expect the student to exercise in a research project or in the science lab.

Along with considerable improvement of our recruitment and admissions counseling I would include the necessity for improvement in financial aid counseling. Granted, the complicated system of financial aid is difficult to interpret to students but we must try harder, particularly when a student is contracting for large debts which will be difficult for him to repay.

I have some "candid camera-type" tape recordings in my office, taken with the permission of the persons whose conversations were taped, at college nights around the Syracuse area. I will not release the tapes (which incidentally have no 18 minute gaps) unless subpoenaed, but I would guess that some college presidents and their admissions directors too, would be appalled if they heard the outright distortions of truth which their field representatives give students about their college and the aid available to them. One representative went so far as to respond

to a mother's inquiry about the tuition fee in this way: "You've been paying taxes in New York all your life and now you're going to get it all back to educate this pretty little daughter of yours. There is a tuition figure in this catalog but it doesn't mean anything so don't even bother with it. New York State residents are eligible for this great new Tuition Assistance Plan and your needs will all get taken care of." And, so far as I could tell - except perhaps for a quick assessment of the clothing worn by this family - the representative had no way of knowing the family income level and whether the student would be eligible for any state aid whatsoever. I hasten to add that I have, on the same tape, recordings of very careful statements being given to students and their families. We are just not all being honest enough or careful enough. There is little wonder that the student who gets only a look at the lean on the bacon is often dissatisfied when he opens the rest of the package.

Several solutions have been recommended. One suggestion is to have all advertising reviewed prior to publication by a private regulatory body which has authority to sanction its member institutions. Another suggestion is a booklet explaining student rights - much like the one that the Interstate Commerce Commission requires movers of household goods to give prospective clients. Still another suggestion is to have accountability held by a public regulatory body or a disinterested rating service.[10]

The chief danger I see in the external review agency is a failure to recognize that the types of information needed by varied students and the strengths of our many types of institutions may not be taken into account.

Nor will external regulation necessarily bring about institutional assessment and improvement; it is more likely to result in searches for loopholes in the review. The very act of reviewing the goals of the institution and the examination of what students it can best serve will stimulate educational improvement. Certainly in the business world organizations which respond to consumer complaints by upgrading their services and which communicate those efforts clearly to the public are likely to expand their clientele. Hopefully, institutions will begin efforts at self-regulation either through their accrediting agencies or through regional consortia and external reviews will be unnecessary.

Let's move now to the other end of the college years and consider another potent student complaint. "The job I thought I was preparing for doesn't exist."

Many such complaints are focused on trade schools where some explicit or implicit guarantee of employment given to the student goes unfulfilled. There is considerable evidence, however, that community colleges and even liberal arts colleges are plagued with a similar problem. The Federal Trade Commission proposed regulations which would require schools offering vocational preparation to disclose the percentage of their students who actually obtained positions in the field for which they were trained. The FTC staff cites a current complaint brought by a student who enrolled for a computer course and understood that he would acquire certain skills. He later found that his skills applied only to a certain type of computer, not in very wide use. He claimed he was misled. Certainly this was a

sin of omision. The student did not have the sophistication at the outset to ask specifically whether there were different skills for different computers. Was the school remiss in not bringing this to his attention? I surely think our schools do have an obligation to call such special limitations to a student's attention. It's the difference between giving selective positive information and fully disclosing all that is known which could be of assistance to the student. The principle "let the buyer beware" has no place in education.

The responsibility for providing jobs for students does not lie with the educational institution. We have, for example, no control over the economy. The responsibility of educating the students about the world of work and helping them seek an appropriate place in it does seem to me to be our responsibility.

An assumption which seemed to pervade the Knoxville Conference on Consumer Protection and the various proposed regulations emphasizing job placement, however, is that every student entering postsecondary education knows what career he wishes to pursue. We know that this is not true. At least 25% of entering college students have no clear career focus.

Of New York State students who took the College Board Scholastic Aptitude tests in 1973-74, 47,800 felt they needed educational and vocational counseling and would seek such assistance in college. This number of requests for assistance was exceeded only by requests for assistance in finding part time work opportunities.

Many students look to the college to help them learn about career

opportunities. The placement "track record" of an institution is indeed important if job placement is its stated purpose. More appropriate for students to know when choosing most of our institutions is the extent to which the institution makes a substantial effort to improve their ability to make a career choice and to help them plan an academic program accordingly.

It would be disturbing if government regulations should require that our liberal arts colleges report, as a measure of their effectiveness, the number of students placed in the fields of history, philosophy and anthropology within six months after graduation. On the other hand, such institutions need to make it very clear to students that the purpose of these programs and majors is not to lead directly to a career.

We have long made many claims about the purposes of a liberal arts degree. They include, among others, the ability to think critically, to participate as an intelligent person in civic affairs, to appreciate the arts, to gain sufficient flexibility to be successful at many jobs and thus have a wide career choice. We have done little about demonstrating that any of these purposes are, in fact, achieved, nor have we said clearly to the students how our curricula intend to bring these ends about. The liberal arts colleges will need to devise more appropriate ways of representing their institutions to students and of demonstrating that their objectives are met.

Let me read a short portion of an unsolicited statement recently sent in the mail to superior high school students by the president of a

very prestigious major university - not, I am pleased to say, in New York State. This was a statement the president had made to last year's enrolled National Merit Scholars.

> "It is our aim at this University to present the kind (sic) of curricula and the kind of challenges that will give you the opportunity to develop into a truly creative individual. The kind of individual that I am describing is the kind that we need in our society and the kind that we are dedicated to producing at this University. To become this kind of person you need the ability that you have shown, but in addition you must be dedicated." 11

Throughout the entire statement the same words "kind of person needed" and "creative kind of person" are used over and over and nowhere defined beyond that stage. In the total statement of about 500 words, there were two obvious misrepresentations of the National Merit Scholars program which bright students would immediately detect, a grammatical error which you may have noted, and an attempt at charismatic appeal to the emotions rather than a clear statement of the objectives of the university. Granted there are legitimate objectives of our institutions which are not easily delineated and measured; but we have not often been honest enough to say "We think this is what you will achieve here if you do your part and we do ours - but we can't give you a guarantee. Here is how we hope to try."

Many students today have been taught to think quite critically in high school. They study about advertising techniques and consumer protection. They read literature about systems analysis and consider inputs and outputs. Now they are asking us to relate educational outputs to inputs in a rational way. They are asking that we clearly define the goals of our institutions, tell them the method by which we expect to

reach the goals and provide measures of the degree of success we are experiencing. They are saying "Demonstrate to me that I will think more critically or be a more informed citizen at the end of two or four years in your school. If you cannot, I may not be willing to buy your brand of education."

I think we should be proud of this inclination on the part of our young people. It has been said that if the educational system of a nation is good those who are educated, will often find that the system itself is obsolete and will wish to negotiate new and better mechanisms.

As a result of this tendency to question the established order there are many examples of student concern which emerge between admission and graduation. Students are becoming increasingly conscious of the academic program. They complain about the listing of courses in the college catalog that have not been taught in several years; of prestigious professors named who in fact do not actually teach. The failure to cover the material described in a course description, the cancellation of classes or changing of the announced time and the lack of appropriate grievance mechanisms are other complaints.

A balance is certainly needed in these matters between student rights and institutional stability. As student inclinations to enroll in certain courses rapidly change, institutions find it difficult to provide adequate faculty and space for one program at the same time that another declines in enrollment. Resources cannot be easily and quickly shifted from one segment of the institution to another. Students may rightfully complain,

however, if they are without an assigned laboratory station, typewriter, textbooks or other necessary equipment because of overcrowding.

It is incumbent upon us to study the methods used by other industries to handle peak loads and to maintain market flexibility. Perhaps we have not done all we can do to anticipate and respond to enrollment shifts.

Many students now want to know in advance just what type of education they will receive. They are calling for printed course objectives and clear statements of how they will be graded. These are among the hardest things for an institution to produce because faculty often see advantages to remaining flexible.

Few faculty would disagree with the proposition that their attempts to clearly delineate the objectives of a course in advance in order that both they and the students may focus the learning activities, is a desirable practice. Many colleges have moved in the direction of making such objectives quite explicit for each course. It does limit flexibility, however, both for the institution and the teacher. Consequently, most institutions still retain the typical course description which consists of a few, sometimes difficult to interpret, sentences indicating what the teacher plans to cover. There is room for considerable improvement in this area.

Possibly of greatest concern to students, particularly in large universities, is the lack of responsiveness to inquiries and complaints. A clearly stated grievance procedure which provides students a fair hearing for their concerns does not seem unreasonable. A Statement of Student Rights and Freedoms, dealing mainly with the areas of student misconduct and free speech, was adopted over ten years ago by a number

of educational associations. The fact that there have since emerged so few adequate grievance mechanisms is one reason that the ability of institutions to police themselves is now under question. Can we provide a mechanism within our institutions to consider student complaints, particularly in the sensitive academic realm, which continues to protect academic freedom? If not, can we provide an interinstitutional tribunal which will take on this task -- a sort of fact-finding board? If we are not able or willing to do either of these things, we will find that a governmental agency, not always sensitive to the needs for academic freedom and inquiry, will provide such a mechanism.

The last specific area I would like to mention briefly is that of fees and refund policies. There are still institutions which insist upon payment of a full year's or semester's tuition in advance and which give the student no refund if he withdraws. In the business world we would not expect to receive back a deposit on a special order, but neither would we expect to pay the full amount for a product we did not accept.

Most statements of institutional fees indicate that the fees are subject to change at any time. Few of us would do business with a merchant who changed the price after we had indicated a desire for the goods. And yet, it is essential to maintain the financial viability of our institutions in the face of unanticipated rising costs. More adequate long-range planning calculated to take into account possible economic shifts, might obviate the need for frequent and abrupt raises in fees and charges. In fact, a

contract between the student and the institution, which insists upon educational services at the originally agreed upon price, might spur institutions to improve their long-range planning efforts to their substantial benefit.

Some of the additional proposals for state and federal regulation which have been made include:

1. the publication of attrition rates and reasons for attrition
2. the publication of federal loan default rates
3. the public disclosure of full reports by accreditation agencies
4. the publication of a prospectus about each institution similar to that used by the Securities Exchange Commission for stock offerings. (The accuracy of such information would be audited by a state or federal agency.)
5. establishment of a clearinghouse which would maintain comparable information about all institutions
6. establishment of a second clearinghouse which would maintain information on complaints which have been registered against an institution. (I have heard no attention given to whether complaints would be certified legitimate before being included in the data bank.)

At the conclusion of the first conference on consumer protection in March 1974, Dr. Richard Millard of the Education Commission of the States reminded the conferees of the danger of simplistic solutions. He mentioned the complexity and diversity of institutions and programs and the differences between universities and colleges, community colleges

and vocational schools, non-profit and proprietary private institutions.[12] This concern emerged again, but less strongly in only one of five workshop reports at the second national conference.

In my view it is a most important point, but one which will be emphasized only if these groups of institutions with common interests will begin to set their houses in order and make it well known that they are about such a task. If uniform federal regulations which ignore these distinctions are not to be forthcoming, some haste is in order.

The Association of American Colleges held a conference in January entitled "Consumerism, Student Needs and Liberal Learning." Information about the consumerism movement was given at the opening session. Yet, before an hour had passed, I think it not incorrect to say that the informal title of the conference had changed to "Consumerism, Institutional Survival and Liberal Learning." This is understandable given the press for survival on private institutions today. But it seems clear that institutional survival is very closely linked with responsiveness to student needs.

There are clearly some dangers in being overly responsive to student demands. This is as true now as it was when these demands were proclaimed in a different way during the late 1960's. But since colleges are institutions supported by society and students are voting members of society, student protection and concern for student welfare in some sense belongs to you as trustees and presidents. It is your obligation to develop policies and procedures which will protect the individual member

of society as well as the collective society which you represent. Somehow it seems rather obvious that, if the many individual members of society enrolled in postsecondary study are treated fairly and get their money's worth, society will too--collectively.

It is my impression that the Regents of the State of New York believe that this is your obligation too. That is , I suspect, why this topic was included on the conference agenda. In a Regents position paper published in August 1974 entitled "The Articulation of Secondary and Post-secondary Education" I find reference to many of the problems I have mentioned - from a slightly different perspective, but still concerned with meeting student needs. In each case the recommendations begin with the words "The Regents encourage postsecondary institutions to..." I hope I am correct in interpreting the Regents to share my view that this is a task best carried out by the institutions. In talking with our State Education Department officials I find that they are most aware of the differences among your institutions and the varying difficulties you will encounter. I feel they are anxious to provide whatever resources and encouragement they can to help you in a positive and profitable response to this problem. I do not sense them to be in a hurry to recommend regulatory legislation unnecessarily or prematurely.

I would like to outline some roles I see for trustees and college presidents in this context, beyond being aware that the problem exists.

First, I believe you must examine the focus of your institutions. The tendency to try to be all things to all people is probably better resisted. We seem to have an identity crisis in higher education and seldom to be sure of what our purposes should be. It is not surprising that students pick up this uncertainty.

To use a rather simple analogy, I find that the most satisfactory restaurants, and those I prefer to patronize, are those with a clear mission. If I am in a hurry and want a cheap bite to eat I go to Burger King or Arby's roast beef. I don't expect a feast. If, on the other hand, I want a leisurely, gourmet dinner and am not concerned about the price, I select a fine restaurant of excellent reputation. The difference between these two is clear and their intent to serve different clientele or the same clientele at different times is obvious. I find that I am most dissatisfied when I go to a restaurant whose goals are unclear. I may pay a medium price for a mediocre dinner. The problem is not with the price or the food so much as with my lack of information about what outcome to expect.

The same kind of accurate expectation concerning the nature of the educational process inside the institution and the probable consequences of attending and graduating will make satisfied student consumers, I believe. In essence the solution to the problem lies in improving communication between the buyer and the seller. I think there is little overt attempt to deceive the consumer in most of our educational institutions. There is, however, a lack of careful attempt to communicate the weaknesses

as well as the advantages of the service to him. Educational institutions have a unique responsiblity to do so.

Beyond establishing your institutional purposes more clearly I believe you need to delineate what you believe constitutes an ethical relationship between the consumer of education and the institution, and to give careful consideration to all policies to see if they stand up to your own "code of ethics." Policies should be periodically revieved from this stance just as the educational program must be periodically reviewed.

I think you need to examine the access, process and output of your institution from the point of view of the consumer as well as from the views of other constituencies you represent, primarily through systematic consultation with students and provision of ways that students can communicate with policy makers.

You need further to provide resources for identification of the kinds of information which would be most helpful in assessing program quality and for development of data collection procedures which, in turn, could be used for program self-study and improvement. In short, through undergoing the process of self-examination for the benefit of the customer you can increase your credibility and product image at the same that you improve the product. The consumer movement is just one more stimulus toward accountability, both fiscally and educationally.

In reviewing literature on higher education with my raised consumer consciousness I have become aware that times have not changed too much. This might be interpreted to mean that our progress has been very slow. I should like to close with two quotations.

The first quotation is from Francis Wayland, the President of Brown University in 1850. President Wayland said:

> "We have produced an article for which the demand is diminishing. We sell it at less than cost, and the deficiency is made up by charity. We give it away, and still the demand diminishes. Is it not time to inquire whether we cannot furnish an article for which the demand will be, at least, somewhat more remunerative?" [13]

In January 1975, 125 years later, Willis W. Harman of the Stanford Research Institute spoke in a more modern vein at the Association of American Colleges meeting. He referred to consumerism as the tip of a iceberg, the iceberg itself being a challenge to social institutions, including education.

> "Such a challenge to the legitimacy of a social institution or social system, by the citizenry who granted that legitimacy in the first instance, is the most potent transformation force known in human history. The issue is not whether the system will respond -- if such a legitimacy challenge grows sufficiently strong, change is assured. The issue is whether the system can alter itself rapidly enough, and whether its integrating bonds will be strong enough to allow the transformation to take place in a non-destructive manner." [14]

FOOTNOTES

1. Virginia Knauer. "The Consumer's Need for Protection in the Educational Marketplace." Preliminary Report of the Second National Conference on Consumer Protection in Postsecondary Education. Knoxville, Tennessee, November 14-15, 1974.

2. Ibid.

3. Ibid.

4. Carol Herrnstadt Shulman. "Higher Education: Public Attitudes and Federal Legislation." Research Currents. Washington, D.C. ERIC/AAHE, n.d.

5. Federal Interagency Committee on Education. Subcommittee on Educational Consumer Protection. A Federal Strategy Report for Protection of the Consumer of Education. Draft Report. Washington, D.C.: September 18, 1974.

6. Consumer Protection in Postsecondary Education: Conference Report and Recommendations. Denver: Education Commission of the States, Report Number 53, June 1974.

7. Virginia Trotter. Address given to the Second National Conference on Consumer Protection. Preliminary Report of the Second National Conference on Consumer Protection. Knoxville, Tennessee, November 14-15, 1974.

8. Frederick Rudolph. The American College and University: A History New York: Vintage Books, 1962.

9. George Stern. "The Freshman Myth." NEA Journal, September 1966, 55, 6, 41-43.

10. Helen E. Nelson. "Consumer Advocacy and Student Protection in Postsecondary Education" in Consumer Protection in Postsecondary Education: Program Handbook. Knoxville, Tennessee, November 14-15, 1974.

11. Printed statement by a university president, 1975. Source deliberately withheld.

12. Richard M. Millard. "Conference Concluding Remarks." Consumer Protection in Postsecondary Education: Conference Report and Recommendations. Denver: Educational Commission of the States. Report Number 53, June 1974.

13. Rudolph. op cit.

14. Willis W. Harman. "Consumerism Legitimacy and Transformation." Address given at the Annual Meeting of the Association of American Colleges. Washington, D.C.: January 14, 1975.